

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DAVID LEE HUDDLESTON,

Plaintiff,

v.

No. 2:18-cv-01075-KWR-KRS

SUSANA MARTINEZ,
JOHN MONFORTE, and
ANTHONY MOYA,

Defendants.

MEMORANDUM OPINION AND ORDER FOR SERVICE

Plaintiff filed a Complaint asserting “Fraud and Extortion/Title 18 RICO” claims, Doc. 1, filed November 16, 2018, and an amended motion to proceed *in forma pauperis*, Doc. 5, filed December 7, 2018. The Court granted the amended motion to proceed *in forma pauperis* on July 18, 2019. *See* Doc. 26. The statute governing proceedings *in forma pauperis* provides that the “officers of the court shall issue and serve all process, and perform all duties in [proceedings *in forma pauperis*]”). 28 U.S.C. § 1915(d). The Court inadvertently did not issue and serve process, and Plaintiff did not request that the Court issue and serve process. The Court will now order the Clerk to issue and serve process.

Plaintiff has filed four motions seeking relief on the ground that Defendants did not answer his Complaint. Defendants and the New Mexico Taxation and Revenue Department filed motions to dismiss the case due to the lack of service. Because it is ordering service, the Court denies the motions seeking relief and the motions to dismiss as moot.

IT IS ORDERED that:

- (i) The Clerk shall serve Defendants and the New Mexico Taxation and Revenue Department pursuant to Fed. R. Civ. P. 4(j)(2) and N.M.R.A. 1-004(H) by

delivering a copy of the summons and Complaint to Defendants, the New Mexico Taxation and Revenue Department, and the Attorney General of the State of New Mexico.

- (ii) New Mexico Taxation and Revenue Department's Motion to Dismiss for Failure to Serve Complaint, Doc. 12, filed April 15, 2019, is **DENIED as moot.**
- (iii) Plaintiff's Request for Final Default and Summary Judgement, Doc. 13, filed April 18, 2019, is **DENIED as moot.**
- (iv) Plaintiff's Third Request for Final Judgment, Doc. 15, filed May 15, 2019, is **DENIED as moot.**
- (v) Plaintiff's Request for Final Ruling and Summary Judgement, Doc. 20, filed June 24, 2019, is **DENIED as moot.**
- (vi) Defendants' Motion to Dismiss Due to Lack of Service and Failure to State a Claim Upon Which Relief May be Granted, Doc. 21, filed June 27, 2019, is **DENIED as moot.**
- (vii) Plaintiff's Motion and Request for Injunction and/or removal of Levy, Doc. 37, filed September 30, 2019, is **DENIED as moot.**



KEA W. RIGGS
United States District Judge